

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FRANK SACO, * C.A. NO.: 03-12551NG

Plaintiff, *

v. *

TUG TUCANA and *
TUG TUCANA CORPORATION *
and CONSTELLATION TUG *
CORPORATION. *

Defendants. *

NOTICE OF VOLUNTARY DISMISSAL BY PLAINTIFF

Pursuant to Fed.R.Civ.P. 41(a)(1)(i), the plaintiff hereby voluntarily dismisses The Amended Complaint, dated November 1, 2004, against defendant, Constellation Tug Corporation, only, without prejudice in the above action. No answer or motion for summary judgment has been filed by the defendant, Constellation Tug Corporation.

Respectfully submitted
by his attorney,

David B. Kaplan

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail (by hand) on 11/11/04

David B. Kaplan

Dated: November 12, 2004